

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DOUGLAS MASTRIANO	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-24-567-F
	)	
JAMES GREGORY, III, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANT ROLAND KUHN'S MOTION FOR  
LEAVE TO FILE OVERSIZED BRIEF**

Pursuant to LCvR7.1(e), Defendant Roland Kuhn respectfully submits this Motion for Leave to File an Oversized Brief in support of his forthcoming Motion to Dismiss Plaintiff's Complaint. Mr. Kuhn requests a 5-page extension, with the brief not to exceed 30 pages in total length. In support of this Motion, Mr. Kuhn states the following:

1. Plaintiff filed his Complaint on May 31, 2024.
2. Mr. Kuhn is preparing a Motion to Dismiss to be filed on October 16, 2024.
3. Per LCvR7.1(e), briefs, other than those for summary judgment, are limited to 25 pages unless otherwise allowed by the Court. Mr. Kuhn respectfully requests an additional 5 pages to brief his Motion to Dismiss.

4. In the Complaint, Plaintiff brings the following five claims against Mr. Kuhn and others:

- Count One: violation of Civil Racketeering Influenced and Corrupt Organizations (RICO) pursuant to 18 U.S.C. § 1962(c);
- Count Two: a RICO conspiracy pursuant to 18 U.S.C. § 1962(d);

- Count Three: violation of the Sherman Anti-Trust Act for an unreasonable restraint on trade pursuant to 15 U.S.C. §§ 1–7;
- Count Four: violation of the Sherman Anti-Trust Act for unlawful tying of PhD to elections and book sales pursuant to 15 U.S.C. §§ 1–7; *and*
- Count Nine: defamation.

5. Mr. Kuhn intends to seek dismissal under multiple subsections of Fed. R. Civ. P. 12, including for failure to state a claim, lack of personal jurisdiction, and improper service of process. In light of the complexity of the Complaint and the nature and scope of the bases for dismissal, Mr. Kuhn requests an additional 5 pages in order to adequately brief dismissal.

6. This is Mr. Kuhn’s first request for a page extension.

7. A proposed Order granting this Motion is submitted contemporaneously herewith for the Court’s consideration.

WHEREFORE, Defendant Roland Kuhn respectfully requests that the Court grant him leave to file an oversized brief in support of his Motion to Dismiss not to exceed 30 pages.

Dated: October 15, 2024

Respectfully submitted,

*s/Gerard M. D'Emilio*

---

Gerard M. D'Emilio, OBA No. 33496

**GABLEGOTWALS**

BOK Park Plaza

499 West Sheridan Avenue, Suite 2200

Oklahoma City, OK 73102

T: (405) 235-5500

F: (405) 235-2875

Email: [gdemilio@gablelaw.com](mailto:gdemilio@gablelaw.com)

-and-

R. Trent Shores, OBA No. 19705

Barrett L. Powers, OBA No. 32485

**GABLEGOTWALS**

110 N. Elgin Ave., Ste. 200

Tulsa, Oklahoma 74120-1495

Telephone (918) 595-4800

Facsimile (918) 595-4990

Email: [tshores@gablelaw.com](mailto:tshores@gablelaw.com)

[bpowers@gablelaw.com](mailto:bpowers@gablelaw.com)

**Counsel for Roland Kuhn**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2024, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants.

*/s/ Gerard M. D'Emilio*

---

Gerard M. D'Emilio